REMARKS

The Examiner considered the Applicant's arguments in response to the previous office action persuasive, but rejected the claims based upon new grounds of rejection. Claims 1-12 are rejected under §103.

Claims Rejection – 35 USC §103(a)

Claims 1 and 8 were rejected based upon admitted prior art, in view of Goodman *et al.* (US 6,427,238).

Regarding claim 1, the rejection indicated that admitted prior art provided element a. Goodman *et al.* is relied upon for providing elements b through 3. However, Applicant notes that Goodman *et al.* fails to provide for "recording a time of receipt of the last such module as a finish time." To address this portion of element e, the rejection states that the admitted prior art discloses a start time, an end time, and the cold boot time.

However, the admitted prior art does not discuss an end time, and even more to the point does not discuss recording a time of receipt of the last such module (modules containing the remaining assets) as a finish time. Rather the admitted prior art as shown in Fig. 1, the end of each cycle actually is the end of the module containing the last asset. Under this scenario as described, each asset is sent in sequence from first to last according to a hierarchy see [0022] and Fig. 1; not based upon when all assets have been received.

Element f is addressed by stating that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to determining the cold boot time either by the method of subtracting the start time from the finish time or by adding each individual time for each module together, **the results are the same**." (emphasis added) in reference to element f.

The admitted prior art, is based on one occurrence of each of the assets of the application being received in sequence, and calculated the cold boot time as the sum of t1+t2+t3+t4+t5. While it might seem obvious at first impression that summing these would produce the same result as subtracting the start time from the finish time, in fact the two methodologies do not provide the same result, which is non-obvious, but still the case.

Looking to Fig. 3, the finish time is set once the occurrence 14 of the asset B has been received. Since the occurrence 45 of the asset C was already received prior to the occurrence 14, the cold boot time is actually shorter using the method of subtracting the finish time, from the start time, rather than adding the time to each asset occurrence in sequence. Comparing Fig. 3 to Fig. 1 shows that the cold boot time T41 is actually the same or close to t1+t2+t3+t4, however this is not due to the sequence but rather to the fact that in this case the occurrence 14 of asset b, which corresponds to t4 was the last occurrence. Looking at T42, the finish time corresponds to an occurrence of asset a, while for T43 the finish time is the occurrence of asset c. This would not be possible for the admitted prior art, as it is required to go acquire the assets in sequence.

Since it is not true that subtracting the start time from the finish time produce the same result as summing the times for each module (t1+t2+t3+t4+t5) it cannot in fact be obvious to interchange these two calculations. Accordingly, it would not be obvious to calculate the cold boot time as provided in claim 1 based upon the admitted prior art and Goodman *et al.*. Accordingly, Applicant respectfully requests that the rejection of independent claim 1 be withdrawn.

Claim 8 provide for a mean plus function description of a system for implementing the method of claim 1. Accordingly, Applicant respectfully requests allowance of claim 8 for reasons similar to those discussed above in connection with claim 1.

The remaining items cited in the rejection fail to address the missing elements that were not provided by the combination of the admitted prior art and Goodman *et al.*

Claim 2-7, and 9-12 depend, directly or indirectly, from dependent claims 1 and 8, respectively. Accordingly, Applicant respectfully request allowance of all dependent claims as they depend from allowable independent claims as discussed above.

Based upon the arguments provided above, applicants respectfully request that all pending claims be allowed and this application passed on to issuance.

Respectfully submitted,

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